

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**JOHN DAVID KUEHNE, JR.,**

**Case No. 3:03-cr-063**

**Petitioner,**

**-v-**

**Judge Thomas M. Rose  
Magistrate Judge Sharon L. Ovington**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**ENTRY AND ORDER OVERRULING KUEHNE'S OBJECTIONS (Doc. #371) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #370) IN ITS ENTIRETY; DENYING KUEHNE'S URGENT OMNIBUS MOTION (Doc. # 366); DENYING KUEHNE'S MOTION FOR RECONSIDERATION (Doc. #367) AND DENYING KUEHNE'S REQUEST FOR INQUIRY AS MOOT (Doc. #369)**

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Pro se Petitioner John David Kuehne, Jr. ("Kuehne") brought an action pursuant to 28 U.S.C. § 2255, to vacate, set aside or correct sentence. (Doc. # 326.) Kuehne also requested an evidentiary hearing on this motion (doc. #348) and requested appointment of counsel (doc. #349). On November 14, 2011, this Court denied Kuehne's § 2255 Motion, denied Kuehne's Motion for an Evidentiary Hearing and Denied Kuehne's request for appointment of counsel. (Doc. #363.)

Kuehne then filed an Urgent Omnibus Motion for Stay (doc. #366) and a Motion for Reconsideration (doc. #367.) On March 2, 2012, Magistrate Judge Sharon L. Ovington issued a Report and Recommendations regarding these two pending motions and a prior Request for Inquiry filed by Kuehne. (Doc. #370.) Kuehne objected to this Report and Recommendations (doc. #371) and the time has run and the United States did not respond to Kuehne's Objections.

Kuehne's objections are, therefore, ripe for decision.

The District Judge has reviewed the findings of Magistrate Judge Ovington. The District Judge has also made a de novo review of the record in this case, including Kuehne's Objections to the pending Report and Recommendations, pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that Kuehne's Objections to the Report and Recommendations (doc. #371) are not well-taken and they are hereby

**OVERRULED.**

The Magistrate Judge's Report and Recommendations is ADOPTED in its entirety. Kuehne's Urgent Omnibus Motion (doc #366) is DENIED. Kuehne's Motion for Reconsideration (doc. #367) is DENIED. Kuehne's Request for Inquiry (doc. #369) is DENIED as moot.

**DONE** and **ORDERED** in Dayton, Ohio, this 25th of April, 2012.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
John David Kuehne, Jr. at his last address of record